THE HON'BLE Mr. JUSTICE C.V. RAMULU

W.P.No.7437 OF 1998

ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in issuing proceedings dated 17.1.1998 as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India, and for a consequential direction to the respondents to appoint the petitioner in any suitable post under Compassionate Appointment Scheme, in view of the death of the father of the petitioner in harness.

A detailed counter affidavit has been filed on behalf of the respondents.

There is no necessity of going into all the details. Suffice it to notice that in view of the death of father of the petitioner while working in 1st respondent-Organisation on 15.12.1994, the petitioner's mother made a representation in January, 1995 and since the case of the petitioner was not considered for compassionate appointment, W.P.No.33004 of 1997 was filed before this Court and the same was disposed of on 15.12.1997 directing the respondents therein, to dispose of the representation purported to have been made by the petitioner, within a period of four weeks. That is how the impugned order came to be passed on 17.1.1998. In the impugned order it was stated that the Corporation has been constantly suffering from huge financial losses year after year. On restructuring the activity and on rationalizing the cadre strength, the Corporation had retired many employees under Voluntary Retirement Scheme. Further there is a ban by the Board of the Corporation for fresh recruitment. Therefore, the case of the petitioner could not be considered for appointing him under Compassionate Appointment Scheme.

It is further asserted in the counter that the Government issued G.O.Ms.No.36 Public Enterprises (III) Department dated 5.9.2001 wherein it was ordered that the Scheme of Compassionate Appointment in the State Level Public Enterprises should be dispensed with and in lieu thereof certain amount be paid as *ex gratia* to the dependents of the employees died in harness. It is further ordered that the said

governmental order shall come into force with immediate effect and earlier cases were also directed not to be entertained. In pursuance of the said instructions, The Corporation issued Circular dated 5.7.2000 with approval of the Board, vide Resolution No.3430.

From the above, it is clear that in view of G.O.Ms.No.36, dated 5.9.2001 the case of the petitioner could not be considered for appointment under Compassionate Appointment Scheme. Therefore, the respondents are directed to consider the case of the petitioner for payment of the *ex gratia* to the petitioner and pay the same within a period of three months from the date of receipt of the order.

With the above observation, the Writ Petition is disposed of. No order as to costs.

22nd August,2005.

Kgr

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

-

WRIT PETITION No : 7437 OF 1998

Between:

P.N.S.Srinivasa Babu, S/o late P.V.S.V.Prasada Rao,
23 Years, R/o Eluru, W.G.Dist.

..... PETITIONER

AND

1 The Vice-Chairman & MD, AP State Agro Industries Development Corporation Ltd., Hyd.
2 The Regional Manager, AP State Agro Industries Development

Corporation Ltd., Vizianagaram.
3 The District Collector, W.G.District, Eluru.
4 The Principal Secretary to Govt., Revenue Dept., Govt. of AP., Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus directing particularly one in the nature of writ of mandamus directing the respondents to appoint the petitioner in any one of the suitable posts under compassionate appointment scheme in view of his father's sudden death while in service by declaring the action of the respondents in issuing the proceedings dt.17-1-98 as illegal, arbitrary, inhuman, apart from violation of Art.14, 16 and 21 of the Constitution of India

Counsel for the Petitioner: MR.G.SURAPU NAIDU

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :